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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

JUSTIN GREEN,

Plaintiff,

v.

JILL ANN MILLER dba ARCH + ARROW,

Defendant.

CASE NO.: 3:24-cv-1204

COMPLAINT FOR COPYRIGHT
INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

DEMAND FOR JURY TRIAL

Plaintiff JUSTIN GREEN by and through his undersigned counsel, brings this Complaint against Defendant JILL ANN MILLER dba ARCH + ARROW for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff JUSTIN GREEN (“Green”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Green's original copyrighted Work of authorship.

2. Green focuses his photography on the urban and abstract activities within the cities that we dwell. The fine detail, symmetry, decay, texture and patterns that are created can sometimes go amiss and unnoticed, be these natural or manmade resources, and this is what he wants people to see from his images. His clients include AOL, Catlin XL, The Brooklyn Historical Society, Conde Nast Traveler, The Daily Mail, The Daily Mirror, Huffington Post,

Deloitte, Rosewood Hotels, and others. Green is also the author of "Connected," a book containing a collection of his portfolio of urban and abstract photography taken in Chicago, London, New York City, Singapore and Toronto.

3. Defendant JILL ANN MILLER ("Miller") is an esthetician licensed in the state of Oregon and doing business as Arch + Arrow, with office space in both Seattle, Washington and Portland, Oregon. Miller's specialty is eyebrows and considers herself the "brow queen." At all times relevant herein, Miller owned and operated the internet website located at the URL www.archandarrowbrows.com (the "Website").

4. Green alleges that Defendant copied Green's copyrighted Work from the internet in order to advertise, market and promote her business activities. Miller committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Miller's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Oregon.

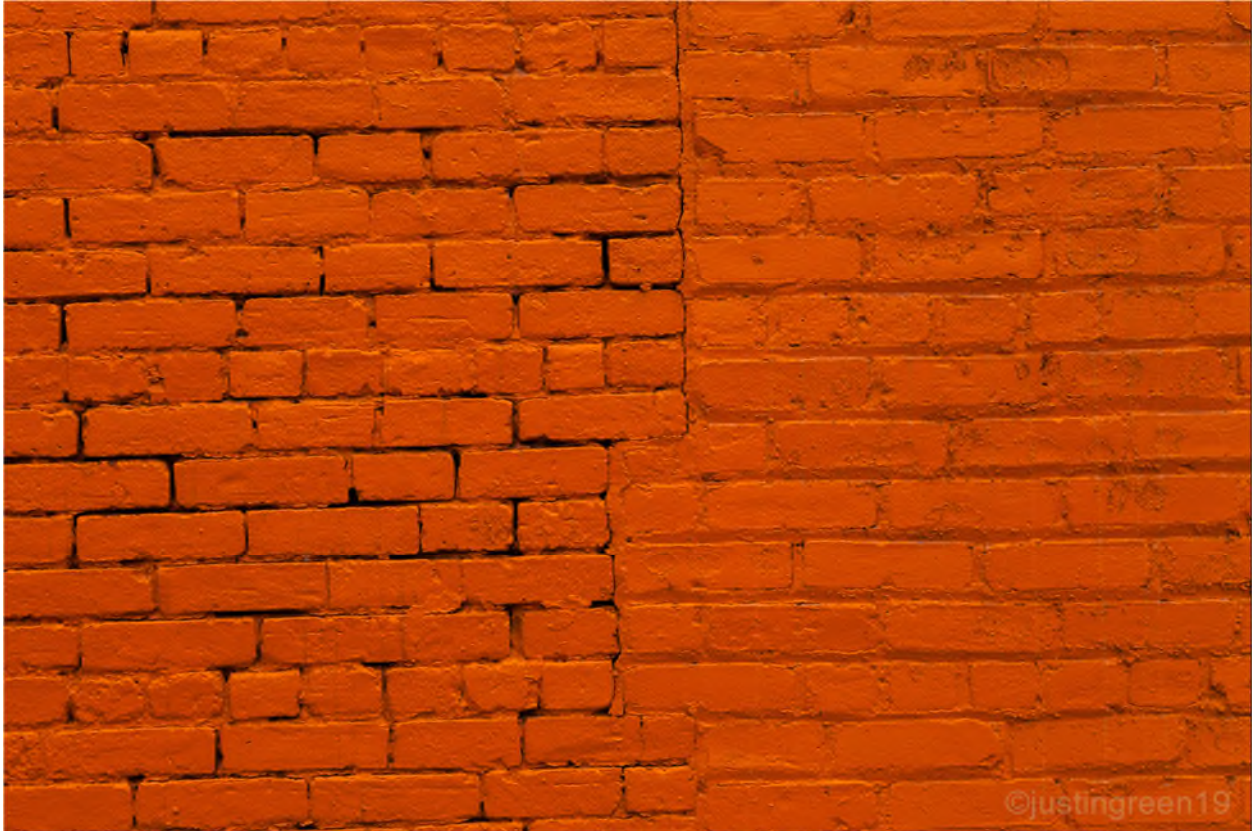
8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Miller engaged in infringement in this district, Miller resides in this district, and Miller is subject to personal jurisdiction in this district.

DEFENDANT

9. Jill Ann Miller is an individual residing in Multnomah county, state of Oregon and can be served at 1722 NW Raleigh Street, #104, Portland, OR, 97209.

THE COPYRIGHTED WORK AT ISSUE

10. In 2014, Green created the photograph entitled “IMG_6557,” which is shown below and referred to herein as the “Work”.



11. At the time Green created the Work, Green applied copyright management information to the Work consisting of the words “©justingreen19” to the bottom right corner.

12. Green registered the Work with the Register of Copyrights on March 25, 2014, and was assigned registration number VAu 1-178-509. The Certificate of Registration is attached hereto as **Exhibit 1**.

13. Green's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

14. At all relevant times Green was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY MILLER

15. Miller has never been licensed to use the Work at issue in this action for any purpose.

16. On a date after the Work at issue in this action was created, but prior to the filing of this action, Miller copied the Work.

17. On or about September 21, 2023, Green discovered the unauthorized use of his Work on the Website, as well as Miller's Instagram account, @archandarrowbrows, located at the internet URL www.instagram.com/archandarrowbrows.com.

18. Miller copied Green's copyrighted Work without Green's permission.

19. After Miller copied the Work, she made further copies and distributed the Work on the internet to promote the sale of goods and services as part of her eyebrow care business.

20. Miller copied and distributed Green's copyrighted Work in connection with her business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

21. Green's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

22. Miller committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

23. Green never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

24. Green notified Miller of the allegations set forth herein on March 5, 2024, and March 28, 2024. To date, the parties have failed to resolve this matter.

25. When Miller copied and displayed the Work at issue in this case, Miller removed Green's copyright management information from the Work.

26. Green never gave Miller permission or authority to remove copyright management information from the Work at issue in this case.

COUNT I
COPYRIGHT INFRINGEMENT

27. Green incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Green owns a valid copyright in the Work at issue in this case.

29. Green registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Miller copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Green's authorization in violation of 17 U.S.C. § 501.

31. Miller performed the acts alleged in the course and scope of her business activities.

32. Defendant's acts were willful.

33. Green has been damaged.

34. The harm caused to Green has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

35. Green incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

36. The Work at issue in this case contains copyright management information (“CMI”).

37. Miller knowingly and with the intent to enable or facilitate copyright infringement, removed CMI from the Work at issue in this action in violation of 17 U.S.C. § 1202(b).

38. Miller committed these acts knowing or having reasonable grounds to know that she will induce, enable, facilitate or conceal infringement of Green's rights in the Work at issue in this action protected under the Copyright Act.

39. Miller caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that she will induce, enable, facilitate or conceal infringement of Green's rights in the Work at issue in this action protected under the Copyright Act.

40. Green has been damaged.

41. The harm caused to Green has been irreparable.

WHEREFORE, the Plaintiff JUSTIN GREEN prays for judgment against the Defendant JILL ANN MILLER dba ARCH +ARROW that:

a. Miller and her officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Miller be required to pay Green his actual damages and Defendant's profits attributable to the infringement, or, at Green's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203

c. Green be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Green be awarded pre- and post-judgment interest; and

e. Green be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Green hereby demands a trial by jury of all issues so triable.

Dated: July 25, 2024

Respectfully submitted,

/s/ Owen W. Dukelow

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